

JC20 Rec'd PCT/PTO 15 MAR 2002

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: DAWOOD PARKER/D. HARRISON ART UNIT:
SERIAL NO.: 09/743,206 EXAMINER:
FILED: CONCURRENTLY HERewith
P.C.T. APPLICATION NO.: PCT/GB99/02127
EARLIEST PRIORITY CLAIMED: JULY 4, 1998
P.C.T. INTERNATIONAL FILING DATE: JULY 2, 1999
U.S. NATIONAL FEE PAID: JANUARY 4, 2001
TITLE: NON-INVASIVE MEASUREMENT OF BLOOD ANALYTES

PETITION TO REVIVE ABANDONED APPLICATION
UNDER THE PROVISIONS OF 37 C.F.R. §1.137(b)

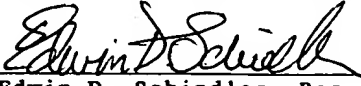
Hon. Commissioner for Patents
United States Patent and Trademark Office
Box PCT
Washington, D. C. 20231

Dear Sir:

Applicants respectfully petition the Commissioner for Patents to revive the above-identified patent application, pursuant to 37 C.F.R. §1.137(b), on the ground that such application was unintentionally abandoned (i.e., the entire

"Express Mail" mailing label number ET 982571528 US
Date of Deposit March 15, 2002

I hereby certify that this paper is being deposited with the U.S. Postal Service "Express Mail - Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to: Hon. Commissioner for Patents, United States Patent and Trademark Office, Washington, D. C. 20231.


Edwin D. Schindler, Reg. No. 31,459

March 15, 2002
Date

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01 FC:241
02 FC:254

640.00 OP
65.00 OP

period of delay in meeting the outstanding requirements for entry into the U.S. National Phase of the above-identified P.C.T. application was unintentional) for the reasons specified in this Petition.

The above-identified P.C.T. international application, designating the United States, was filed on July 2, 1999, and validly claimed foreign priority on the basis of a patent application filed in the United Kingdom on July 4, 1998. A Demand for an International Preliminary Examination under Chapter II was timely filed, and the U.S. National Fee (large entity fee) for entry of the P.C.T. application into the United States was timely paid on January 4, 2001.

On February 16, 2001, the Patent and Trademark Office issued its "Notification of Missing Requirements under 35 U.S.C. 371," which set an extendable one-month deadline (prior to the change in this deadline, which is now two months) of March 16, 2001, for filing the requisite Declaration and remitting surcharge fee for filing the Declaration subsequent to the 30th-month deadline.

A Small Entity Statement and request for a refund, pursuant to 37 C.F.R. §1.28(a), was filed on March 2, 2001, thereby establishing Applicant's Small Entity status in the Patent and Trademark Office, however, by virtue of an oversight, an originally-executed Declaration was not executed by the Applicants and forwarded onto their U.K. patent agents,

and then passed onto the undersigned attorney-of-record for filing by March 16, 2001, or within any possible extension of the original deadline of March 16, 2001.

The original deadline for filing the Declaration was March 16, 2001 (i.e., one month following the issuance of the "Notification of Missing Requirements under 35 U.S.C. 371.") Thus, the above-identified patent application went "abandoned" after March 16, 2001, when the originally-executed Declaration and attendant surcharge fee for filing the Declaration were not filed with the Patent and Trademark Office for completing the entry of P.C.T. Application No. PCT/GB99/02127 into the U.S. National Phase.

In support of this Petition to Revive, Applicants hereby submit the following documents and a check in the amount of \$705.00 to cover the fees listed below:

1. The Petition to Revive fee of \$640.00 (Small Entity), as per 37 C.F.R. §1.17(m).

2. A proposed response to the outstanding requirement is enclosed, as follows:

- (a) Copy of the "Notification of Missing Requirements under 35 U.S.C. 371," dated February 16, 2001;

- (b) Declaration/Power of Attorney; and,

- (c) The Surcharge fee of \$65.00 (Small Entity) for submission of the requisite Declaration more than 30 months from

the claimed date of foreign priority.

The Office is hereby authorized to charge any additional fees which may be due in connection with the prosecution of the above-identified patent application to the undersigned's Deposit Account (Account No. 19-0450). A duplicate of this paper is enclosed for billing purposes.

With the concurrent submission of the foregoing documents and fees, Applicants respectfully submit that all outstanding requirements for entry of the above-identified P.C.T. international application into the U.S. National Phase are now satisfied.

I hereby declare that all statements made herein on my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this petition is directed.

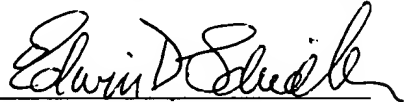
It is, therefore, respectfully submitted that the above-identified patent application should be held as being "unintentionally" abandoned, i.e., that the entire period of

delay in filing the Declaration in completing the entry of the above-identified P.C.T. international application into the U.S. National Phase was unintentional, for the reasons specified in this Petition, and that prosecution of the above-identified P.C.T. international application should be resumed and accepted into the U.S. National Phase for a national patentability examination.

Such favorable action is respectfully requested and earnestly solicited.

Respectfully submitted,

DAWOOD PARKER/D. HARRISON

By 
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(631)474-5373

March 15, 2002

The Commissioner is hereby authorized to charge the Deposit Account of Applicant's Attorney, Account No. 19-0450, for any additional fees which may be due in connection with the prosecution of the present application (except pre-payment of the Issue Fee), but which have not otherwise been provided for.